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UNCLAS MARCH 26

DOD

SUBJECT: GUAIRA FALLS DISPUTE.

AID

1. FONOFF CONFIRMED YESTERDAY AFTERNOON THAT GCB NOTE ON GUAIRA FALLS DISPUTE HAS BEEN DELIVERED IN ASUNCION TO GCP, AND RELEASED TEXT TO LOCAL JOURNALISTS. EMBASSY POUCHING FULL TEXT. FOLLOWING RESUME MAIN POINTS TAKEN FROM TODAY'S PRESS.

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2. AS ANTICIPATED, NOTE TAKES HARD LINE, REFUSING TO ADMIT EXISTENCE OF ANY ARGUMENT OVER BOUNDARY "SINCE BORDER BETWEEN TWO COUNTRIES WAS FULLY ESTABLISHED IN 1872 AND 1927 TREATIES AND PERFECTLY DEMARCATED, MOREOVER, UNDER THE PROVISIONS OF THE

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FIRST OF THESE INSTRUMENTS, BY MIXED DEMARCATING COMMISSION WHICH MET BETWEEN 1872 AND 1874 AS RECORDED IN RESPECTIVE MINUTES (ATAS)."

3. NOTE ARGUES THAT EXAMINATION OF TEXT OF 1872 TREATY (PASSAGES ARE CITED) LEADS TO CONCLUSION THAT INTERSECTING POINT OF DIVIDING LINE THAT RUNS ALONG BED (ALVEO) OF PARANA RIVER WITH DIVIDING LINE THAT CONTINUES ALONG HIGH RIDGE OF MARACAJU IS SALTO GRANDE (FIFTH FALL). FALL WAS CONSIDERED NATURAL AND PERMANENT BOUNDARY STAKE; THE EXTREMITY OF EAST-WEST LINE WAS ESTABLISHED IN FRONT OF FALLS (COMMENT: THEREBY PUTTING FALLS IN BRAZILIAN TERRITORY). NOTE STATES GEOGRAPHIC POSITION OF FALLS WAS RECORDED IN MINUTES (ATA) OF 11TH CONFERENCE OF DEMARCATING COMMISSION WHICH THUS RENDERS GROUNDLESS AFFIRMATIONS OF GCP NOTE THAT POINT OF MARACAJU RIDGE CLOSEST TO SALTO DE SETE QUEDAS WAS NOT DEMARCATED.

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4. BY ADOPTING SUCH AN ATTITUDE, NOTE CLAIMS, GOP DENYING FULFILLMENT OF 1930 PROTOCOL OF 1927 TREATY AND PREVIOUS ACTS THAT GOP RATIFIED: THE DEMARCATION OF 1872 AND THE TREATY OF 1872. FOR THE PRESENT MIXED COMMISSION TO

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PROCEED TO A NEW DEMARCATION OF BORDER, AS GOP DESIRES, WOULD BE A TOTAL VIOLATION OF 1927 TREATY AND PROTOCOL OF 1930. GOB CANNOT ACCEPT THIS AND CONSIDERS THAT UNDER INTERNATIONAL LAW THE DEMARCATION DONE BY THE MIXED COMMISSION AND APPROVED BY RESPECTIVE GOVERNMENTS IS DEFINITIVE AND CANNOT BE MODIFIED WITHOUT MUTUAL AGREEMENT OF THESE GOVERNMENTS.

5. RE GOP ARGUMENT THAT NORTHERN "RIDGE" IS HIGHER NOTE STATES THAT EVEN IF WORK OF DEMARCATING SERRA DE MARACAJU HAD NOT TERMINATED IN FRONT OF FIFTH FALL (PARA 3 ABOVE) AND DESPITE FACT OF HIGHER LEVEL OF VARIOUS POINTS OF NORTHERN SPUR THAT GOP CALLS NORTHERN RIDGE, THE BRAZILIAN BORDER WITH PARAGUAY COULD NOT UNDER ANY CIRCUMSTANCES FOLLOW THE CREST OF A SPUR. THIS SPUR IS NOT RESPONSIBLE FOR FORMATION OF FALLS, IS NOT THE PRINCIPAL MASS OF THE RANGE AND DOES NOT CONSTITUTE THE "DRY LINE" (LINHA SECA); THEREFORE TO USE IT IS CONTRARY TO THE LETTER AND SPIRIT OF 1872 TREATY.

6. REFERRING TO BRAZILIAN TROOPS NOTE STATES THAT SINCE 1872-74 DEMARCATION IS RECOGNIZED AS EXACT, VALID AND

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DEFINITIVE THE BRAZILIAN MILITARY DETACHMENT, LOCATED ABOVE THE FIFTH FALL, TO THE NORTH OF THE BOUNDARY LINE FIXED BY THE DEMARCATION, IS IN BRAZIL.

7. NOTE EXPRESSES GOB DESIRE AVOID CONTINUING POLEMICS AND AFFIRMS THAT REAL QUESTION THAT OUGHT TO OCCUPY ATTENTION OF BOTH SIDES IS NOT THE SEWING OF DOUBT OR STERILE WRANGLINGS BUT THE SEARCH FOR CONDITIONS CAPABLE OF ASSURING THE WELL BEING OF "OUR PEOPLE" THROUGH A FRATERNAL COLLABORATION FOR THE SOLUTION OF COMMON PROBLEMS. MENTIONING THE POSSIBILITY OF UTILIZING HYDROELECTRIC POTENTIAL OF THE PARANA, NOTE CONCLUDES WITH FOLLOWING CONSTRUCTIVE STATEMENT: "BRAZIL IS, AS IT ALWAYS WAS, DISPOSED TO ENTER UPON CONVERSATION WITH PARAGUAY, THE NECESSARY PLANS FOR THE

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PRACTICAL UTILIZATION, NOT ONLY OF THE ENORMOUS ENERGY
POTENTIAL OF THE SALTO DE SETE QUEDAS, BUT ALSO OF THE
POSSIBILITIES FOR AGRICULTURE AND NAVIGATION OFFERED BY THE
WATERS OF THE PARANA; IN SUCH A WAY THAT THIS GREAT RIVER,
INSTEAD OF OFFERING TO THE TWO COUNTRIES REASONS FOR DISPUTE
OR DISSENSION, WOULD BE BETWEEN THEM A UNIFYING LINK, AS
PREVIOUS GOVS ALWAYS DESIRED AND AS THE PRESENT ONE FIRMLY
DESIRES." RAINE
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